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9 *Attorney for Plaintiff*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 CIRAS, LLC,
13 Plaintiff;

CASE No. 10-cv-02019

14 v.

15 R. WAYNE ZIEGLER, an individual; and
16 CARSON VALLEY GARDEN & RANCH
17 CENTER, LLC, a Nevada limited-liability
18 company;

19 Defendants.

20 STATE OF WEST VIRGINIA)
21) ss.
22 COUNTY OF GREENBRIER)


23 **AFFIDAVIT IN SUPPORT OF EX PARTE MOTION TO SELL PERISHABLE**
24 **PROPERTY AND FOR ORDER SHORTENING TIME**

25 MICHAEL O'DELL, being first duly sworn, deposes and says:

- 26 1. I am an account officer for Kevin W. Harper Investments, the servicer for Plaintiff
27 CIRAS, LLC in the above-titled action.
28 2. I have knowledge of and am competent to testify to the matters stated herein
except to those matters stated on information and belief, and as to those matters, I
believe them to be true.

- 1 3. The inventory sheet for the items seized on April 2 and April 6, 2011 included
- 2 several hundred high maintenance trees.
- 3 4. I believe that good cause is warranted because this matter could take substantial time
- 4 to resolve and the trees are perishable products and they are expensive to maintain.
- 5 5. The cost to maintain these trees in sellable condition is approximately \$75 per day in
- 6 watering costs which has been paid every day since the first seizure on April 2, 2011.
- 7 6. The cost to store these trees is approximately \$400/month in storage fees.
- 8 7. The Department of Agriculture has contacted our storage facility and informed them
- 9 that in order to continue storing these trees they may have to obtain a nursery license
- 10 which costs \$120.
- 11 8. We agree to hold the sale proceeds in trust until the seizure issue is resolved.

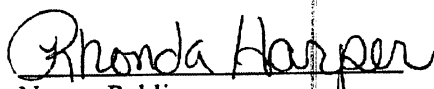
12 I, MICHAEL O'DELL, hereby certify that to the best of my knowledge,
13 information, and belief that the assertions of this affidavit are true.

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17 MICHAEL O'DELL
18 Authorized representative of CIRAS, LLC

19 **ACKNOWLEDGEMENT:**

20 This instrument was acknowledged before me on April 12, 2011 by Michael O'Dell.

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22 
23 Notary Public

